

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-179-T - ORDER NO. 2003-576
SEPTEMBER 19, 2003

IN RE: Application of Wehaul-U, Inc. of Columbia,) ORDER GRANTING
703 Francis Marion Drive, Georgetown, SC) CLASS E CERTIFICATE
29440 (District 1) for a Class E Certificate of)
Public Convenience and Necessity to)
Transport Household Goods.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Wehaul-U, Inc. of Columbia (Wehaul-U or the Company), 703 Francis Marion Drive, Georgetown, South Carolina 29440 for a Class E Certificate of Public Convenience and Necessity to transport household goods as follows:

Household Goods, As Defined in R. 103-210(1):
Between Points and Places in South Carolina.

The Commission's Executive Director instructed Wehaul-U to publish a Notice of Filing in newspapers of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests or Petitions to Intervene were filed.

Subsequent to the publication of the Notice, the Applicant filed a letter requesting a downward amendment to the originally requested scope as follows:

Household Goods, As Defined in R. 103-210(1):
To points and places to and from and within the following
counties: Saluda, Edgefield, Richland, Lexington,
Aiken, Orangeburg, Barnwell, Bamberg, Allendale,

Hampton, Calhoun, Dorchester, Berkeley, Colleton,
Hampton, Jasper, Beaufort, Charleston, Sumter, Lee,
Darlington, Marlboro, Dillon, Marion, Florence, Horry,
Clarendon, Williamsburg, and Georgetown.

A hearing on the amended Application was held on August 28, 2003 at 10:30 a.m. in the offices of the Commission, with the Honorable Mignon Clyburn, Chair, presiding. Scott Elliott, Esquire, represented the Company. The Commission Staff (the Staff) was represented by Jocelyn G. Boyd, Staff Counsel.

Janet I. Freeman, President of the Company, appeared and testified on behalf of the Company. Ms. Freeman has an extensive background in banking, general management, lending, and financing. She previously worked at South Carolina National Bank and Fleet Finance Refinancing. As a mortgage broker, Ms. Freeman has worked with people and real estate contracts, and she is aware of the complications in arranging a residential move.

Ms. Freeman became interested in the moving business after conducting some research on her own. Her two sons worked for Two Men and a Truck. As an owner of a moving business, Ms. Freeman plans to provide cleaning, moving, arranging furniture, and decorating services to her customers. After reviewing information from the United States Census Bureau, Ms. Freeman testified that there will be an 18% growth in the next three years in the moving business. Additionally, approximately 55 million baby boomers will retire in the next 18 years, and 70-75% of the baby boomers will possibly retire in either North Carolina or South Carolina.

Ms. Freeman discussed the officers of Wehaul-U. Jerod Freeman is Wehaul-U's Vice President of Marketing, and according to Ms. Freeman, Mr. Freeman has excellent

marketing and sales abilities. Regarding experience, Mr. Freeman currently moves office furniture for another company. Mr. Michael Jefferson is the Company's Vice-President/Secretary. Mr. Jefferson is employed by First Funding Mortgage Company. He has a business management degree and he has a business background.

Regarding the need for another mover in the areas where Wehaul-U seeks authority, Ms. Freeman testified that consumers who have contacted her state certificated movers are not available to meet those customers' moving needs as those carriers' schedules are full.

Elizabeth Burda, owner of Priority Mortgage Services, Inc., testified as a shipper witness on behalf of the Company. Ms. Burda helps to refinance loans and she assists in helping consumers obtain financing for homes. Her practice covers the entire State of South Carolina. Ms. Burda is a member of the National Association of Mortgage Brokers and the South Carolina Association of Mortgage Brokers.

Ms. Burda testified that when consumers purchase residences, oftentimes there is a deadline which consumers become aware of within twenty-four to forty-eight hours before the deadline. She stated that consumers have often told her that they have been unsuccessful in securing a mover, even after contacting three to four movers. Ms. Burda testified that she has noticed this trend in all the areas where Wehaul-U seeks certification.

Mackie Altman is a real estate broker with Coldwell Banker. Mr. Altman's area of practice includes Georgetown, Horry, and Williamsburg counties. He has been a realtor for fifteen years in all three counties. Mr. Altman testified that deadlines are

important in real estate closings. He has been told by clients that currently certificated movers are not available in a timely fashion.

Bryan Chavers, a realtor employed by Century 21, also testified as a shipper witness for the Company. Mr. Chavers operates as a realtor in Charleston, Dorchester, Berkeley, Colleton, and Beaufort counties. He represents builders, pre-owned home owners, lenders, and attorneys. Additionally, Mr. Chavers helps clients with insurance, repairs, and locating residential movers. In helping to arrange a residential mover for his clients, Mr. Chavers said he has difficulty scheduling moves while accommodating contract and construction schedules. Consumers incur costs when the mover is not able to accommodate them. Mr. Chavers opined that the counties where he conducts business can use another residential mover.

Brian Grant, a mortgage broker, also testified on behalf of Wehaul-U. Mr. Grant does business with consumers who reside in Aiken, Saluda, Orangeburg, Edgefield, McCormick, and Barnwell counties. Mr. Grant opined that mortgage deadlines are important. He testified that he gets notice of closing times forty-eight to seventy-two hours prior to the actual closing. After the client is informed of the closing time, the client then becomes concerned about finding a mover. Mr. Grant stated that the counties where he conducts business could definitely utilize another residential mover.

Mr. Jerod Freeman, also testified on behalf of Wehaul-U. Mr. Freeman is employed by R.R. Donnelly Logistics and he is an incorporator of Wehaul-U. While employed by Two Men and a Truck, Mr. Freeman noticed a two, three, or four week unavailability of Two Men and a Truck. While employed at Two Men and a Truck, Mr.

Freeman handled moves from Richland, Lexington, Orangeburg, and Calhoun counties. L. George Parker, Jr., Manager of the Commission's Transportation Department, also testified. Parker inspected the Company's equipment, and found it to be safe, neat, and clean.

S.C. Code Ann. Section 58-23-590(C)(Supp. 2002) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of the matter, we find that the Applicant Wehaul-U has demonstrated that it is fit, willing, and able to perform the services sought by the amended Application. The testimonies of Ms. Freeman and Mr. Parker reveal that Wehaul-U is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Ms. Freeman, Ms. Burda, Mr. Altman, Mr. Chavers, Mr. Grant, and Mr. Freeman indicate that the proposed service is required by the present public convenience and necessity.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the amended Application and therefore grant authority to Wehaul-U for the movement of household goods to points and places to and from and within the following counties: Saluda, Edgefield, Richland, Lexington, Aiken, Orangeburg,

Barnwell, Bamberg, Allendale, Hampton, Calhoun, Dorchester, Berkeley, Colleton, Hampton, Jasper, Beaufort, Charleston, Sumter, Lee, Darlington, Marlboro, Dillon, Marion, Florence, Horry, Clarendon, Williamsburg, and Georgetown. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The amended Application of Wehaul-U be, and hereby is, approved conferring authority to transport household as follows:

Household Goods, As Defined in R. 103-210(1):

To points and places to and from and within the following counties: Saluda, Edgefield, Richland, Lexington, Aiken, Orangeburg, Barnwell, Bamberg, Allendale, Hampton, Calhoun, Dorchester, Berkeley, Colleton, Hampton, Jasper, Beaufort, Charleston, Sumter, Lee, Darlington, Marlboro, Dillon, Marion, Florence, Horry, Clarendon, Williamsburg, and Georgetown.

2. Wehaul-U shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26


(1976), as amended, a Certificate shall be issued to Wehaul-U authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

5. Failure of Wehaul-U either (1) to complete the certification process by complying with all Commission requirements as contained in S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director
(SEAL)